

BEFORE THE  
CALIFORNIA BOARD OF ACCOUNTANCY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. AC-2011-5

ANDREW KEEDUCK JEAN  
763 Blairwood Court  
San Jose, CA 95120  
Certified Public Accountant Certificate No.  
41201


Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Accountancy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 28, 2012

It is so ORDERED March 29, 2012

  
\_\_\_\_\_  
FOR THE CALIFORNIA BOARD OF  
ACCOUNTANCY  
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 BRETT A. KINGSBURY  
Deputy Attorney General  
4 State Bar No. 243744  
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*Attorneys for Complainant*

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8 **BEFORE THE**  
**CALIFORNIA BOARD OF ACCOUNTANCY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **ANDREW KEEDUCK JEAN**  
12 **763 Blairwood Court**  
13 **San Jose, CA 95120**  
14 **Certified Public Accountant Certificate No.**  
15 **41201**

Respondent.

Case No. AC-2011-5

OAH No. 2011070137

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

16 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
17 interest and the responsibility of the California Board of Accountancy of the Department of  
18 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and  
19 Disciplinary Order which will be submitted to the Board for approval and adoption as the final  
20 disposition of the Accusation.

21 **PARTIES**

22 1. Patti Bowers (Complainant) is the Executive Officer of the California Board of  
23 Accountancy. She brought this action solely in her official capacity and is represented in this  
24 matter by Kamala D. Harris, Attorney General of the State of California, by Brett A. Kingsbury,  
25 Deputy Attorney General.

26 2. Andrew Keeduck Jean (Respondent) is represented in this proceeding by attorney  
27 John N. Gulick, Jr., Esq., whose address is:  
28

1 John N. Gulick, Jr., Esq.  
2 369 Broadway, Suite 110  
3 San Francisco, CA 94133

4 3. On or about October 12, 1984, the California Board of Accountancy issued Certified  
5 Public Accountant Certificate No. 41201 to Respondent. The Certified Public Accountant  
6 Certificate was in full force and effect at all times relevant to the charges brought in Accusation  
7 No. AC-2011-5 and will expire on October 31, 2012, unless renewed.

8 JURISDICTION

9 4. Accusation No. AC-2011-5 was filed before the California Board of Accountancy  
10 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
11 Accusation and all other statutorily required documents were properly served on Respondent on  
12 April 21, 2011. Respondent timely filed his Notice of Defense contesting the Accusation. A  
13 copy of Accusation No. AC-2011-5 is attached as exhibit A and incorporated herein by reference.

14 ADVISEMENT AND WAIVERS

15 5. Respondent has carefully read, fully discussed with counsel, and understands the  
16 charges and allegations in Accusation No. AC-2011-5. Respondent has also carefully read, fully  
17 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
18 Order.

19 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
20 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
21 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
22 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
23 the attendance of witnesses and the production of documents; the right to reconsideration and  
24 court review of an adverse decision; and all other rights accorded by the California  
25 Administrative Procedure Act and other applicable laws.

26 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
27 every right set forth above.  
28

1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in Accusation  
3 No. AC-2011-5, if proven at a hearing, would constitute cause for imposing discipline upon his  
4 Certified Public Accountant Certificate.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest  
8 that factual basis and those charges.

9 10. Respondent agrees that his Certified Public Accountant Certificate is subject to  
10 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
11 Disciplinary Order below.

12 CONTINGENCY

13 11. This stipulation shall be subject to approval by the Board. Respondent understands  
14 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
15 with the Board regarding this stipulation and settlement, without notice to or participation by  
16 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he  
17 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board  
18 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
19 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this  
20 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
21 be disqualified from further action by having considered this matter.

22 12. The parties understand and agree that facsimile copies of this Stipulated Settlement  
23 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
24 effect as the originals.

25 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
28 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
2 writing executed by an authorized representative of each of the parties.

3 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
4 the Board may, without further notice or formal proceeding, issue and enter the following  
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Certified Public Accountant Certificate No. 41201 issued  
8 to Respondent Andrew Keeduck Jean (Respondent) is revoked. However, the revocation is  
9 stayed and Respondent is placed on probation for three (3) years on the following terms and  
10 conditions.

11 1. **License Suspension.** Certified Public Accountant Certificate No. 41201 issued to  
12 respondent is suspended for three months. During the period of suspension the respondent shall  
13 engage in no activities for which certification as a Certified Public Accountant or Public  
14 Accountant is required as described in Business and Professions Code, Division 3, Chapter 1,  
15 Section 5051.

16 2. **Obey All Laws.** Respondent shall obey all federal, California, other states' and local  
17 laws, including those rules relating to the practice of public accountancy in California.

18 3. **Submit Written Reports.** Respondent shall submit, within ten (10) days of  
19 completion of the quarter, written reports to the Board on a form obtained from the Board. The  
20 Respondent shall submit, under penalty of perjury, such other written reports, declarations, and  
21 verification of actions as are required. These declarations shall contain statements relative to  
22 Respondent's compliance with all the terms and conditions of probation. Respondent shall  
23 immediately execute all release of information forms as may be required by the Board or its  
24 representatives.

25 4. **Personal Appearances.** Respondent shall, during the period of probation, appear in  
26 person at interviews/meetings as directed by the Board or its designated representatives, provided  
27 such notification is accomplished in a timely manner.

28 5. **Comply With Probation.** Respondent shall fully comply with the terms and

1 conditions of the probation imposed by the Board and shall cooperate fully with representatives  
2 of the Board of Accountancy in its monitoring and investigation of the Respondent's compliance  
3 with probation terms and conditions.

4       **6. Practice Investigation.** Respondent shall be subject to, and shall permit, practice  
5 investigation of the Respondent's professional practice. Such a practice investigation shall be  
6 conducted by representatives of the Board, provided notification of such review is accomplished  
7 in a timely manner.

8       **7. Comply With Citations.** Respondent shall comply with all final orders resulting  
9 from citations issued by the Board.

10       **8. Tolling of Probation For Out-of-State Residence/Practice.** In the event  
11 Respondent should leave California to reside or practice outside this state, Respondent must  
12 notify the Board in writing of the dates of departure and return. Periods of non-California  
13 residency or practice outside the state shall not apply to reduction of the probationary period, or  
14 of any suspension. No obligation imposed herein, including requirements to file written reports,  
15 reimburse the Board's costs, or make restitution to consumers, shall be suspended or otherwise  
16 affected by such periods of out-of-state residency or practice except at the written direction of the  
17 Board.

18       **9. Violation of Probation.** If Respondent violates probation in any respect, the Board,  
19 after giving Respondent notice and an opportunity to be heard, may revoke probation and carry  
20 out the disciplinary order that was stayed. If an accusation or a petition to revoke probation is  
21 filed against Respondent during probation, the Board shall have continuing jurisdiction until the  
22 matter is final, and the period of probation shall be extended until the matter is final.

23       **10. Completion of Probation.** Upon successful completion of probation, Respondent's  
24 license will be fully restored.

25       **11. Continuing Education Courses.**

26       Respondent shall complete 8 hours of professional education courses as specified by the  
27 Board or its designee at the time of Respondent's first probation appearance. The professional  
28 education courses shall be completed within a period of time designated and specified in writing

1 by the Board or its designee, which time-frame shall be incorporated as a condition of this  
2 probation. This shall be in addition to continuing education requirements for license renewal.

3 Failure to satisfactorily complete the required courses as scheduled or failure to complete  
4 same no later than 100 days prior to the termination of probation shall constitute a violation of  
5 probation.

6 12. **Cost Reimbursement.** Respondent shall reimburse the Board \$13,874.41 for its  
7 investigation and prosecution costs. The payment shall be made within 12 months of the date the  
8 Board's decision is final.

9 13. **Administrative Penalty.** Respondent shall pay to the Board an administrative  
10 penalty in the amount of \$2,500.00 for violations of the California Accountancy Act. The  
11 payment shall be made within 90 days of the date the Board's decision is final.

12 ACCEPTANCE

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
14 discussed it with my attorney, John N. Gulick, Jr. I understand the stipulation and the effect it  
15 will have on my Certified Public Accountant Certificate. I enter into this Stipulated Settlement  
16 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
17 Decision and Order of the California Board of Accountancy.

18  
19 DATED: 2-16-2012

20 ANDREW KEEDUCK JEAN  
Respondent

21 I have read and fully discussed with Respondent Andrew Keeduck Jean the terms and  
22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
23 I approve its form and content.

24 DATED: 2-16-2012

25 John N. Gulick, Jr.  
Attorney for Respondent

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Dated: March 2, 2011

KAMALA D. HARRIS  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General

BRETT A. KINGSBURY  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. AC-2011-5**

1 KAMALA D. HARRIS  
2 Attorney General of California  
3 FRANK H. PACOE  
4 Supervising Deputy Attorney General  
5 BRETT A. KINGSBURY  
6 Deputy Attorney General  
7 State Bar No. 243744  
8 455 Golden Gate Avenue, Suite 11000  
9 San Francisco, CA 94102-7004  
10 Telephone: (415) 703-1192  
11 Facsimile: (415) 703-5480  
12 *Attorneys for Complainant*

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BEFORE THE  
CALIFORNIA BOARD OF ACCOUNTANCY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. AC-2011-5

ANDREW KEEDUCK JEAN  
763 Blairwood Court  
San Jose, CA 95120  
Certified Public Accountant Certificate No.  
41201

ACCUSATION

Respondent.

Complainant alleges:

PARTIES

1. Patti Bowers ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the California Board of Accountancy, Department of Consumer Affairs.
2. On or about October 12, 1984, the California Board of Accountancy issued Certified Public Accountant Certificate Number 41201 to Andrew Keeduck Jean ("Respondent"). The Certified Public Accountant Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2012, unless renewed.

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1       "(f) For purposes of this section, 'fee' includes, but is not limited to, a commission, rebate,  
2 preference, discount, or other consideration, whether in the form of money or otherwise.

3       ...."

4       6.     Section 5062 of the Code states: "A licensee shall issue a report which conforms to  
5 professional standards upon completion of a compilation, review or audit of financial statements."

6       7.     California Code of Regulations, Title 16, section 56, provides various additional  
7 disclosure requirements for licensees that accept a fee or commission.

8       8.     California Code of Regulations, Title 16, section 58, provides that "licensees engaged  
9 in the practice of public accountancy shall comply with all applicable professional standards,  
10 including but not limited to generally accepted accounting principles and generally accepted  
11 auditing standards."

#### 12                   PROFESSIONAL STANDARDS

13       9.     The American Institute of Certified Public Accountants' (AICPA's) Statements on  
14 Standards of Accounting and Review Services (SSARS) § 100, along with subsections thereof,  
15 provide guidance regarding the applicable accounting standards related to issuance of a report  
16 with a compilation of financial statements. Particularly relevant within § 100 are subsections  
17 100.01, 100.13, 100.15, 100.24, 100.25, and 100.26.

#### 18                   COST RECOVERY

19       10.    Section 5107(a) of the Code states:

20       "The executive officer of the board may request the administrative law judge, as part of the  
21 proposed decision in a disciplinary proceeding, to direct any holder of a permit or certificate  
22 found to have committed a violation or violations of this chapter to pay to the board all reasonable  
23 costs of investigation and prosecution of the case, including, but not limited to, attorneys' fees.  
24 The board shall not recover costs incurred at the administrative hearing."

#### 25                   FIRST CAUSE FOR DISCIPLINE

26                   (Accepting Fee or Commission Without Proper Disclosure)

27       11.    Respondent is subject to disciplinary action under §§ 51 00(g) and 5061 of the Code,  
28 and Title 16, section 56 of the California Code of Regulations, in that Respondent accepted a fee

1 or commission for referrals to products or services of a third person without making appropriate  
2 disclosures. Specifically, throughout 2005-2008, Respondent received roughly \$114, 928.60 for  
3 referring clients to SNC Asset Management Inc. and/or SNC Investments, Inc. (collectively  
4 "SNC") and made no related disclosures.

5 SECOND CAUSE FOR DISCIPLINE

6 (Issuance of Financial Statements Without Accompanying Report)

7 12. Respondent is subject to disciplinary action under §§ 5100(g) and 5062 of the Code,  
8 and Title 16, section 58 of California Code of Regulations, in that Respondent failed to issue  
9 reports upon compilation and issuance of financial statements to clients. Specifically, as of  
10 March of 2010, Respondent had a practice of issuing unaudited financial statements to clients  
11 without providing either a compilation report or an engagement letter containing appropriate  
12 elements as required by professional standards.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
15 and that following the hearing, the California Board of Accountancy issue a decision:

16 1. Revoking or suspending or otherwise imposing discipline upon Certified Public  
17 Accountant Certificate Number 41201, issued to Andrew Keeduck Jean;

18 2. Ordering Andrew K. Jean to pay the California Board of Accountancy the reasonable  
19 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
20 Code section 5107;

21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: April 14, 2011

23 Patti Bowers  
24 PATTI BOWERS  
25 Executive Officer  
26 California Board of Accountancy  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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